



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

January 17, 2008

*The compl. is dismissed  
and tomorrow's conf. is  
canceled. The clerk should  
mark the file as closed.  
1-17-08  
Alvin K. Hellerstein*

**BY FACSIMILE**

Hon. Alvin K. Hellerstein  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Suite 1050  
New York, New York 10007  
Facsimile: (212) 805-7942

**Re: *Gujjar v. Quarantillo, et al.*, 07 Civ. 7978 (AKH)**

Dear Judge Hellerstein:

This Office represents the defendants in the above-referenced action, which seeks to compel the Federal Bureau of Investigations to complete its background check of the plaintiff so that the Citizenship and Immigration Service (CIS) can finish processing plaintiff's application for naturalization. I write to report that CIS has now completed its review of plaintiff's application and has, by decision dated today, denied him naturalization because (1) he gave false testimony during his interview by CIS, indicating a lack of good moral character; and (2) as a result of the false information, CIS was also unable to conclude that he otherwise met the statutory prerequisites for naturalization, particularly the physical presence or continuity of residence requirements. A copy of the decision is enclosed.

CIS's decision provides plaintiff with all of the relief he requested, and so moots this action. The Government therefore respectfully requests that the action be dismissed as moot and that the conference scheduled for tomorrow, January 18, 2008, be cancelled; plaintiff consents to both of these requests.<sup>1</sup>

<sup>1</sup> After exhausting the appropriate administrative remedies, plaintiff may seek judicial review of the denial of naturalization. The parties agree, however, that any such review would be in a separate proceeding, and that this case should be closed.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By: 

MATTHEW L. SCHWARTZ  
Assistant United States Attorney  
Telephone: (212) 637-1945  
Facsimile: (212) 637-2750  
E-mail: matthew.schwartz@usdoj.gov

enclosure

cc: BY FACSIMILE

Brian Donnard, Esq.  
Plunkett & Donnard  
401 Broadway, Suite 912  
New York, New York 10013  
Facsimile: (212) 219-9167